Korea: We Win a Round—*Owen Lattimore*

THE *Nation*

July 21, 1951

The Kefauver Report

"The Pressure to Buy and Corrupt"

BY H. H. WILSON

*

Germany Plans to Rearm

BY SCRUTINEER

*

Freedom for Insulting Speech

BY VERN COUNTRYMAN

*

Six Minus Four: Trenton's Way Out

BY CHARLES R. ALLEN, JR.

JUL 20 1951

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THE Nation

AMERICA'S LEADING LIBERAL WEEKLY SINCE 1865

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The Shape of Things

SENATOR WAYNE MORSE HAS INTRODUCED a resolution calling for an appropriation of $50,000 to enable the Senate Foreign Relations Committee to investigate the China lobby. Although such an investigation might return handsome political dividends to the Administration, including, for example, the possible defeat of the "China boys" of the Senate—Knowland and McCarthy—it seems unlikely that the Democrats will give the resolution their united support. Little about the China lobby is really "Chinese": its funds are American in origin, and its leading figures, like those of the German and Spanish lobbies, are well-paid and well-connected American lawyers and executives, some of whom have held high positions in the government. These men, and the powerful interests they represent, have already moved into action against Senator Morse's resolution. President Truman doubtless favors the investigation, but little support for it is forthcoming from the departments with the largest and most interesting files on the China lobby—State, Treasury, Defense, and Justice. The lukewarm attitude of these departments reflects their vivid awareness of the persons and interests that such an inquiry would be certain to expose. Failure to investigate the China lobby now would be to forfeit an opportunity that is not likely to recur. And if the opportunity is exceptional, the need is great. We can never develop popular support for an intelligent Far Eastern policy until the interests directing the China lobby are exposed and discredited.

*

EVEN BEFORE THEY HAD SEEN THE FULL text of "One Way Only," the new pamphlet by Aneurin Bevan, Harold Wilson, and John Freeman, the big berthas of American editorial opinion had opened fire across the Atlantic. One could have assumed that these editorials would say what they did—namely, that Mr. Bevan is a wilful, passionate, irresponsible, and ambitious demagogue who has done "grave disservice" to the unity of the Western world by issuing this manifesto. What apparently disturbs his American critics most is the fact that Mr. Bevan has been extremely lucky in the timing of the pamphlet's publication. A month ago it might have been ignored; but peace has now ceased to be a dirty word. That the pamphlet will have a large influence in England today may be taken for granted; we are primarily concerned with its effects here. In the absence of a left opposition in the United States, Mr. Bevan is like a drummer who has only one stick: he can make a noise but he can't beat out a rhythm. His argument needs an American response to complete its logic.

*

WHAT HIS CONTENTION COMES DOWN TO IS that Great Britain should use its geographical position as a brake on the power of America. Specifically, Mr. Bevan and his colleagues want Great Britain to be able to exercise a veto on any offensive which the United States might want to launch from British bases. He does not argue against a sensible armament program or against the British-American alliance; his real concern is with strategy and objectives. He would like to see more initiative and independence in British policy, and he wants more labor, materials, and funds used for the development of backward areas. The crux of the matter is stated by "Critic" in the *New Statesman and Nation* of July 7: "The beginning of Socialist wisdom today is to realize that the class war has burst national frontiers and been transferred to the international plane. The British worker is now part of an exploiting class which must concede genuine equality to the colonial peoples or alternatively hand the world over to the Communists by trying to hold the tide back by force of arms." American workers are also now part of this exploiting class, but we have the resources, which the British lack, to implement Mr. Bevan's argument. Both British and American workers want a policy of strength and firmness, but they must insist that the objectives remain those of peace, freedom, and equality. The "one way only" for real British-American unity is for the American labor movement to respond to the issue which Mr. Bevan has now raised.

*

AS THE TRUCE NEGOTIATORS ASSEMBLED IN Kaesong, the rush for "certificates of necessity" gathered momentum in Washington. Apparently afraid that a cease-fire might be achieved before special tax dispensations could be obtained, a hundred or more companies in the week ending July 6 managed to get permission from

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the Defense Production Administration to accelerate depreciation on plant expansions totaling $125,000,000. Companies planning defense-plant expansions costing $7,721,975,741 have now permission to take advantage of the five-year amortization bonanza discussed at some length in *The Nation* of June 30. In the main the write-offs included in this latest list cover 70 per cent or more of the cost of new installations, most of which have an obvious potential peace-time use. The Union Pacific Railroad, for example, is now authorized to write-off, over a five-year period, 80 per cent of the $17,000,000 which it expects to spend on railroad-freight facilities. Viewing this extraordinary spectacle of a government granting special incentives for corporate profit-making, the average individual taxpayer is likely to wish that he might abandon name and personality and incorporate himself, so that he, too, might be encouraged to increase his earnings by the non-payment of taxes.

*

FEDERAL JUDGE EDWARD M. CURRAN HAS ruled that the Veterans' Administration acted properly when it dismissed James Kutcher in 1948 from the position of clerk in the Newark, New Jersey, branch office. Kutcher, who lost both legs in the Battle of San Pietro in 1943, admitted membership in the anti-Stalinist Socialist Workers' Party. Apparently no one in the Department of Justice entertained any serious doubt as to Kutcher's personal loyalty or thought that he might take advantage of his position to injure the United States, but since he admitted that "force and violence" might have to be used to overcome "a minority of capitalists" in order to usher in the socialist regime in which he believes, he has been denied employment and branded as "disloyal." As the Washington *Post* has pointed out, the process by which Kutcher has been ousted from his job "seems to have about as much relation to reality as the voodoo rites which primitive tribes devised to ward off evil spirits. And it entails, besides, an immeasurable corruption of cherished American institutions."

McCarran's Ministry of Fear

UNLESS vigorous protest is made, and paid attention to, Congress is likely soon to pass a bill on immigration, naturalization, and nationality which has in it elements that are both obnoxious and dangerous. We refer to S. 716, the McCarran omnibus immigration bill.

The purpose of the legislation, to codify the hundreds of laws and regulations in this area, is unexceptionable. The McCarran bill accomplishes codification but it is open to charges of both general and specific defects. It is unscientific in point of view, often devoid of humanitarian instinct, and inept as national policy. Specifically,

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it enlarges the police-state activity of the federal government, places intolerable burdens and fears upon the immigrant, and threatens the citizenship rights of both naturalized and native-born Americans.

The police-state quality of the bill arises from these provisions: (1) consuls and immigration and naturalization officers are given enormous discretion in the determination and evaluation of facts, even those which can properly be weighed only by a medical or historical expert; (2) the same discretionary power judges the significance of even the smallest misdemeanor and assesses the presence or absence of moral turpitude in an offense; and (3) with respect to a resident alien, the bill opens his Social Security record to scrutiny by the Department of Justice. The bill also removes decisions on immigration, naturalization, and important matters of status from the court review which is provided for under the Administrative Procedure Act of 1946.

Opposition to these provisions has been impressive. Congressman Celler observed: "We pride ourselves on the fact that we are a government of law and not a government of men. Here power of untold proportions is given to an immigration officer . . . frankly, he can play God." The failure to provide appeal to the courts in immigration hearings was vigorously opposed by Watson B. Miller, former Commissioner of Immigration and Naturalization. On the necessity for judicial review important testimony revealed that in a group of forty-four cases where citizenship had been denied by administrative officials under existing law, no fewer than thirty-five persons were later adjudged citizens by the courts.

These are matters of life and death, especially in view of the kind of world a man may have to return to if he is deported from this country. Under S. 716 a person seeking an entry visa from a United States consul would face unholy and often impractical barriers. Once the alien is in the "land of the free," any offense, even the most trivial, is grounds for deportation at the discretion of the Attorney General. The resident alien need not even have a court conviction; he has only to make a statement "tantamount to a confession of guilt" of a crime involving moral turpitude. And finally, the exclusionary provisions are extended to the area of deportation and made infinitely retrospective. In fact, every immigrant would be doomed to live in fear that decades after the documents and witnesses on which he relied have vanished he might be deported from his adopted land without a judicial trial.

Citizens of the United States may not fare much better than aliens under the new rules on nationality. The naturalized citizen is discriminated against; he would be barred from serving as Commissioner of Immigration and Naturalization! Even the native-born citizen faces real hazards. If he loses his passport in a foreign country and the resident consul denies his citizenship, he can make no appeal to a United States court. Unbelievable as it may seem, he can lose his status within the limits of the country of his birth: if an immigration inspector has instituted deportation proceedings against him, the citizen cannot take his case to court and the court cannot review the facts or the discretion of the inspector. That some of these provisions are probably unconstitutional offers slight consolation to prospective victims.

AMERICAN immigration law has traditionally embodied the idea that one race is better than another in quality or assimilability. But this assumption, unquestioned a century ago and merely archaic when the main existing law was written in 1924, has been proved flatly wrong in our day. Nevertheless it is fully preserved in the quota system of the McCarran bill. Indeed, the situation is made worse. Quota is imposed on quota. For the total of 154,000 who can be admitted, a subquota of 50 per cent is established for immigrants "whose services are determined by the Attorney General to be needed urgently in the United States because of the high education, technical training, specialized experience, or exceptional ability of such immigrants . . . ," 30 per cent for parents of adult citizens, and 20 per cent for spouses or children of permanently resident aliens. Not more than 10 per cent of any nationality quota may be used for immigrants not falling within the subquotas. There is not the slightest chance of the preferred subquotas being used up; for example, out of a possible 46,200 in the "parents" group in 1948, only 3,000 were admitted. Ordinary non-preferential immigration would probably fall below 8,000 a year. Here, it seems, is the real intent of the McCarran bill—to reduce to an inconsequential dribble the stream from which all Americans derive their ancestry.

Far too little attention has been focused on this destructively un-American proposal. Formidably exclusive, cruelly suspicious, offensively arrogant, S. 716 would create a real ministry of fear in immigration and naturalization matters. Its enactment would be tantamount to a direct repudiation of an enduringly attractive aspect of the American tradition, namely, a generous and friendly willingness to accept people at face value and to give the world's oppressed a second chance. Since Congress now has before it all the information and argument it needs, the only remaining hope would seem to lie in legitimate pressure. McCarran will not change his stand and Congressman Celler needs no encouragement to continue his opposition. But the remarks of Francis E. Walter of Pennsylvania, who is chairman of the House subcommittee, indicated a reasonable and open mind, and it is to him and similar middle-of-the-road Representatives that special appeals should be addressed.

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Korea: We Win a Round

BY OWEN LATTIMORE

IT IS a favorite Communist maneuver to accept moderate terms of reference and then, when the other side has committed itself to negotiations, to keep adding new and more difficult stipulations. For once, the United States and the United Nations have been able to work this maneuver on the Communists. When General Ridgway accepted Kaesong, as proposed by the Chinese and North Koreans, as the scene of cease-fire talks, he successfully committed them to negotiation. When he later hardened his terms to demand that Kaesong be made in fact an open city, with as much freedom of access for the United Nations as for the Communists, the Communists were caught. Throughout Asia, which for the Chinese is more important than the rest of the world, they would have been held guilty of an unnecessary continuation of the war if they had refused to concede this reasonable equality of footing.

While General Ridgway was winning this important opening move, however, a feeling of apprehension, almost of panic, swept the world. Neither side can now afford to put itself in the wrong by seeming to make it impossible to move forward from a cease-fire to an armistice, and on in the direction of stabilizing the frontiers of power in Asia.

Each successive step will be delicate and dangerous. We have won a round before. We won a round in Iran when, working through the United Nations, we got the Russians out of Azerbaijan. We won a round in Berlin, when our airlift broke the Russian blockade and forced the Russians to settle on terms more favorable to us than to them. We have won other rounds; but we are in a long struggle in which there will be many more rounds, for what is going on is no less than a step-by-step delimitation of the frontiers of power throughout the world.

By forcing the Communists to accept a settlement at approximately the Thirty-eighth Parallel we stand to win a major victory for collective security, for we shall have demonstrated the ability of the United Nations to stop armed aggression. Such a victory should also lessen the danger of a new world war, by proving that "little wars" can be successfully held within limits, thus greatly weakening the Soviet ability to bluff us into premature settlement by playing up the fear of a general war.

It will be well for us to face the fact, however, that in the next round, which will be a political round, the Communists will have certain tactical advantages. Backed from within the United Nations by Russia and the Soviet bloc, the Chinese and North Koreans will undoubtedly seek to exploit disagreements on political strategy between the United States and its principal allies, the badly undermined position of Syngman Rhee in Korean politics, and the link between the Korean issue and the issue of Formosa.

In the past year President Truman has strengthened his position both in American politics and in the world by his courageous and sound handling of the four main decisions: the original decision to stand and fight in Korea against an outrageous aggression; the decision to limit the war instead of letting temporary frustration drive us into a world war; the decision to remove General MacArthur; and the final decision to negotiate, facing the awkward fact that a limited victory is all that can be won in a limited war. Once the shooting stops and the political appeals begin to operate, however, the President and his Secretary of State are likely to have cause to regret that they have let a whole year pass without doing the work that should have been done to prepare the American people for the realization that there are serious weaknesses in the political situation in Korea, and that our own allies can now be expected to make a concerted effort to get us to modify our policies on China and on Formosa.

In Korea, President Syngman Rhee had become so unpopular that just before the Communist aggression free elections in South Korea had gone overwhelmingly against him. During the war there have been no signs that he has made himself an inspiring political leader. We should now encourage and push forward whatever new, young, and politically capable leadership we can find in South Korea.

We have won a major point in preventing the Chinese from shooting their way into the United Nations; but the Chinese have won a point by demonstrating that when it comes to the power politics of the corner of the world where China, Japan, and Russia stand so close to one another it is Mao Tse-tung who counts—in or out of the United Nations—and not Chiang Kai-shek. In the related question of Formosa a cease-fire in Korea will force into the foreground the fact that President Truman originally put Formosa under the guardianship of the Seventh Fleet solely in order to prevent the spread of war from Korea, and that this move, unlike the decision to fight in Korea, has never been indorsed by the United Nations.

Two courses seem imperative. In Korea an all-out effort must be made to show that the United Nations can accomplish more in the way of economic and political rehabilitation, and do it more quickly, than a Chinese-Russian program could accomplish. In dealing with China, whatever is done should be done in such a manner as to encourage the Chinese to handle their own diplomacy, instead of routing it through Moscow. The fact that Chinese, not Russians, are negotiating at Kaesong as the patrons of the North Koreans is potentially to our advantage.

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"The Pressure to Buy and Corrupt"

BY H. H. WILSON

IN JANUARY, 1950, Senator Estes Kefauver introduced a bill calling for a full-scale Senate investigation of crime in interstate commerce. After a hard struggle, first with those who sought to prevent such an investigation and then to see who would control it, Kefauver and his supporters, in May, 1950, succeeded in bringing into being the Special Committee to Investigate Organized Crime in Interstate Commerce.

For citizens desirous of having a permanent record of the committee's findings and recommendations the third interim report has been made available by two private publishers,[1] and Senator Kefauver has prepared a useful summary of the coast-to-coast hearings in his "Crime in America."[2] There is not, regrettably, in either his book or the committee report any significant analysis of the mass of facts, and there is little indication that either the Senators or their staff understood the implications of the material gathered.

While the hearings had vast entertainment value for newspaper readers and for the reported 20,000,000 to 30,000,000 television audience, it is doubtful that they contributed greatly to our understanding of the nature and sources of crime in American society or to our prospects for eliminating organized criminal activity. Only if the committee's findings are looked upon as a starting point, as a bringing up to date of one phase of the problem, will the $265,000 spent on the investigation during the first twelve months produce an adequate return.

The statements of committee members reveal curiously naive assumptions about American society and the sources of deviant behavior. For example: that little was hitherto known of the extent of crime and political corruption; that the majority of citizens object to gambling, political favoritism, and the "fix"; that when aware of existing conditions people demand corrective reforms; that most anti-social behavior stems from the foreign-born and underprivileged; that personal pathologies are responsible for aberrant conduct; or that, as Senator Hunt observed, corruption exists "because the human heart is despicable and wicked in all things in its normal state." These assumptions are an inadequate framework for analysis of phenomena so widespread and also prevent the raising of various crucial questions. It would have been more productive, for example, to have tested the hypothesis that aberrant behavior is a symptom of conflict between culturally approved goals and narrowing opportunity for their achievement.

With no intention of belittling the sincere efforts of Senator Kefauver and his colleagues, it needs to be emphasized that the mere accumulation of additional evidence has little basic significance. Few adult citizens will be as astonished as Senator Tobey seems to have been by the committee's general conclusions: that "organized criminal gangs operating in interstate commerce are firmly intrenched in our large cities in the operation of many gambling enterprises"; that in some cities "law-enforcement officials aided and protected gangsters and racketeers"; that "there is a sinister criminal organization known as the Mafia operating throughout the country"; that "the leading hoodlums in the country remain for the most part immune from prosecution and punishment"; that the "fix" may come about through tie-ups with political machines or apparently respectable business men, or through corruption of the public by charitable contributions and press relations; that "the backbone of the wire service which provides gambling information to bookmakers is the leased wires of the Western Union Telegraph Company"; that "legitimate business men have aided the interests of the underworld by awarding lucrative contracts to gangsters and mobsters in return for help in handling employees, defeating attempts at organization, and breaking strikes." Such facts have been repeatedly documented by scores of able newspapermen from Lincoln Steffens's day to this, as well as by such investigations as those of the Chicago Vice Commission, 1911, the Senate subcommittee on "so-called rackets," 1933, or the La Follette committee, 1938.

Twenty years ago in a report written for the Wickersham Commission, Morris Ploscowe emphasized the need for fundamental social analysis:

> It is in considering the social, economic, and political factors in crime causation that one is frequently confronted with the fact that the things which are considered as contributing to crime are merely the effects of larger and more fundamental causes. To explore these causes adequately demands a thoroughgoing examination of the criminal situation in the light of the social, political, and economic development of the country. This kind of examination has unfortunately not been

[1] "Senator Kefauver's Crime Committee Report." New York, Arco Publishing Company; 50 cents paper, $2 cloth.
"The Kefauver Committee Report on Organized Crime." New York, Didier; $1.50 paper, $2.95 cloth.

[2] New York, Doubleday; $1 paper, $3.50 cloth with pictures.

H. H. WILSON, a member of the Department of Politics of Princeton University, is the author of "Congress: Corruption and Compromise."

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made, and one can merely speculate upon the effect upon crime of urban concentration, an industrial and acquisitive civilization, multiplication of contacts through rapid communication and transportation, the apparent inefficacy of democratic government to cope with modern problems, a long tradition of lawlessness, a long history of violence, etc. Though it is extremely difficult to make this kind of an examination, it is essential that it be done, so that a program of crime prevention can aim at fundamental causes and not at effects.

Senator Kefauver

Despite the fact that Judge Ploscowe, now executive director of the American Bar Association's Commission on Organized Crime, worked with the Kefauver staff in preparing its final report, there is no evidence that the current Senate committee profited either by his advice or by the work of previous federal, state, and local crime studies. Similarly there is no evidence that use was made of such trenchant analyses as Edwin Sutherland's "White Collar Crime," Thorsten Sellin's "Culture Conflict and Crime," Lawrence K. Frank's "Society as the Patient," or Robert K. Merton's "Social Structure and Anomie."

Apparently emotional fervor and moral uplift got in the way of realistic appraisal of crime and delinquent conduct as an integral aspect of American society. In the words of Senator Kefauver, "Serving on the Crime Committee was a tremendous emotional experience for all of us"; "emotional uplift came in the way that people from everywhere spoke of their approval of what we were trying to do"; and after the New York hearings, "my personal feelings were at a pitch of high moral indignation." It might have been more useful had the committee members remembered that people's indignation at anti-social or aberrant conduct, whether of private individuals or government officials, is rarely translated into positive action. Moral indignation may even serve as a convenient release for tensions and frustrations and, combined with our limited span of attention, provide a substitute for creative reform. As Frank has written, the "assumption of individual depravity or perversity gives us a comfortable feeling that all is well socially, but that certain individuals are outrageously violating the laws and customs that all decent people uphold."

In any case, in all the list of committee recommendations not one seems capable of rallying sustained public support or of providing opportunity for positive action. True, among its accomplishments the Crime Committee does cite the "tremendous response in the nature of public awakening and its constructive reaction to enlightenment . . . a far-reaching chain reaction" which is being expressed in grand-jury activity and "little Kefauver committees" in "many state legislatures." And it believes it "reasonable to forecast that venal politicians whose corruption has permitted the racketeers to become so firmly intrenched will in large measure be eliminated as aroused and awakened citizens go to the polls." A look at the record, however, arouses acute skepticism on this score. The history of almost any American city would show that "aroused and awakened citizens" seldom pursue reform for very long and almost never tackle the root sources of corruption. That Philadelphia has been corruptly governed for almost two generations is surely no secret to its inhabitants; James Michael Curley seems never to have been utterly repudiated by the citizens of Boston; even after the Kefauver investigation there is no obvious evidence of popular demand for the recall of Ambassador O'Dwyer; and if the people's representatives in Congress have demanded the resignation of the convicted Walter E. Brehm it has not come to notice. Nor has Congress displayed undue enthusiasm for prompt action on the legislative proposals of the Kefauver committee.

Evidence is also lacking for the committee's Jeffersonian tendency to believe that virtue resides in the small towns and rural areas. The hearings brought out that in the small towns of LaSalle and Streator, Illinois, gambler Thomas J. Cawley had been operating horse books, punchboards, baseball pools, roulette, and poker games for twenty-five years without apparent opposition from a majority of the citizens. And black-marketeer David Lubben had no difficulty in buying "a vast quantity of corn syrup in the Midwest by making under-the-table black-market payments to farmers."

POLITICAL corruption," according to Lincoln Steffens, "is not a matter of men or classes or education or character of any sort; it is a matter of pressure. Wherever the pressure is brought to bear, society and government cave in. The problem, then, is one of dealing with the pressure, of discovering and dealing with the cause or the source of the pressure to buy and corrupt." We need to know what it is in society that forces individuals to pursue socially defined and approved goals by unlawful means. We have reached a stage in our national development where the exclusive pursuit of individual ends may well cause the disintegration of our society. It is not enough for the committee to say that success in the fight against crime and corruption "de-

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pends on the uplifting of standards of public and private morality, a rededication to basic spiritual values which will entail righteous indignation over" these conditions. Nor does Spruille Braden's suggestion—"I sometimes wonder if the Soviet is not, at least in some measure, inciting these vermin to defile our system of law and order"—advance our understanding. Let's face it: graft, crime, corruption, the "fix" are imbedded in the very fabric of our highly competitive society.

The closest Senator Kefauver comes to discussing this basic problem is when he writes: "In many big cities young people come to maturity with an attitude of contempt for law, because they see and hear almost daily of instances wherein criminals, through alliances with conniving politicians and crooked law-enforcement officers, are bigger than the law." He might usefully have gone on to discuss the impact on young people of the employment by the Phelps-Dodge Copper Products Company of gangster Anthony Anastasia (an incident which he does not treat in "Crime in America"), or of the Ford Motor Company's contract with Joe Adonis, or of the relations of the Detroit Stove Works and the Briggs Manufacturing Company with gangsters.

A certain naivete marks the report's treatment of business tie-ups with the underworld. We are told that "in fairness to Ford Motor Company it should be noted that it is taking vigorous steps to disassociate itself from these racketeer-held contracts." Apparently we are to assume that this represents revulsion from newly discovered contamination, although at least one of the contracts had existed for twenty years! At any rate we should be thankful that "Ford has publicly deplored this situation." In general it is puzzling that the Crime Committee should be so sanguine about the possibility of raising standards of public and private morality when the hearings reveal that business élites are not receptive to this rededication. "Practically every large distillery and brewery has granted franchises to racketeer dealers," but "they were almost all vague on the question of whether they would fire a distributor upon finding he had criminal associations." Similarly, though Senator Kefauver was irritated by California's "million-dollar lobbyist," Arthur H. Samish, he failed to develop the implications of the fact that Schenley Distillers of New York paid Samish $36,000 a year, or that the California State Brewers' Institute provided him with another $30,000 salary, "plus control of a $153,000-a-year slush fund."

The record of business during World War II suggests that even patriotism is inadequate to overcome other pressures operating in our society. The Senate National Defense Committee had no difficulty in compiling a list of major firms willing to take advantage of the national crisis, and Marshall Clinard has reported that at least 11 per cent of all retail firms violated OPA regulations in 1944. As a matter of fact, the million OPA violations in one year practically equaled the number of all other crimes known to the police in the same period. Though we do not place these white-collar criminals in the same category with violators of other laws, the financial loss from white-collar crime is probably greater than that from all other crimes combined. As Edwin Sutherland has demonstrated, its impact on our institutions and morale is infinitely greater. "The white-collar criminals resist efforts to enforce the criminal law against themselves by attacks, through the agencies of public opinion which they control, on the integrity of public officials and private parties who object to white-collar crime. These attacks result in further disintegration of the society."

OF THE twenty-two recommendations of the Kefauver committee, one could be tremendously valuable—the creation of a Federal Crime Commission one of whose functions would be "the initiation and development of appropriate social study relating to crime, its punishment, and law enforcement." What is needed is a detailed analytical study of American society, its premises, values, institutions, and the forces operating to produce social disorganization and anomie. The findings of the Kefauver committee should be combined with those of the New York narcotics investigation, the Fulbright study of the Reconstruction Finance Corporation, the "five percenters" material, the studies of business men and the black market, relevant sections of the Truman committee findings, even the results of the Douglas committee on ethics and the Delaney committee on the use of chemicals in foodstuffs.[1] Until the American public understands that these are all facets of the same problem—social disorganization, the disintegration of a traditional culture, the absence of common individual or social ends—investigations will do little more than compound the popular cynicism.

Senator Tobey

The narrow investigation of crime as the violation of law must be broadened to include the concept of delinquency—"those forms of behavior disorder which manifest themselves in injury to others or to society"—

[1] See The Chemicals We Eat, by Ruth E. Brecher, in *The Nation* of June 23, 1951.

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and the whole area of white-collar crime. That 350 unmarked trucks a month have been detected trying to enter the Holland and Lincoln tunnels carrying explosives or inflammable loads since the serious explosion in the Holland Tunnel in 1949 is more revealing of the general social malaise than is some individual's activity in betting on sporting events. The needed study of social morale would be aided by a comparative analysis of conditions in another society. A team of social scientists might therefore be sent to Great Britain, where some evidence suggests that deviant behavior is less common and that conflict between socially approved goals and means has been less acute. It would be a difficult assignment, for no culture can be realistically analyzed without a searching examination of its basic premises, institutions, and sacred idols—or without stepping on the toes of the righteous and the wielders of power. If this is too big or too delicate a task for the United States Congress, perhaps one of the foundations could be persuaded to do it.

Germany Plans to Rearm

BY SCRUTINEER

Washington, July 12

LABELED "Top Secret," the German Republic's new plan for restoring German military power is now locked in the files of the State Department and the Pentagon. But no dust is settling on it. The forty-odd-page report which John J. McCloy, United States High Commissioner in Germany, carried to Washington last month is being eagerly studied and discreetly discussed almost daily by our top policy-makers. Copies of this confidential document are also in the hands of the British and French governments.

Some of the German proposals are startling. They include: (1) a German tactical air force of at least 2,000 planes, with a minimum air-force personnel of 40,000; (2) German armed forces to total about 250,000; (3) eventual reintroduction of conscription and a two-year period of compulsory military service; (4) a future army of at least twelve divisions; (5) instead of the regimental combat teams of 4,000 to 6,000 which the Allies last December agreed would be the maximum German unit, the Germans suggest that they create army corps of two divisions each; (6) each division to consist of about 12,000 men; (7) a naval coastal-defense force of small craft with a personnel of 12,000; (8) not exactly the old-fashioned general staff but a staff at corps level.

It ought to be said at once that neither the United States, Britain, nor France has so far approved this ambitious program for West German remilitarization, though the plan emerged after some four months of discussion in Bonn between the American, British, and French on the one hand and the Germans on the other. It bears the imprimatur of Chancellor Konrad Adenauer, but it is largely the work of the two former Wehrmacht generals—Hans Speidel and Adolf Heusinger—who were the dynamic members of the German delegation in the recent negotiations.

President Truman's Administration is reliably reported to view most of the German proposals as reasonable. Official reports from London say that since the Big Four deputies' conference in Paris went on the rocks in June, Foreign Secretary Herbert Morrison and the British chiefs of staff favor pressing ahead with German rearmament. Could it be that they do not want German industry to sit out the dance and concentrate on competitive peace-time production, while British industry is turning to war goods at the cost of its export trade?

The French Foreign Ministry and defense chiefs regard the German scheme as a menace. What is more, there is a suspicion in Paris that American support for the German program may be a trick to induce France to enlarge its own preparedness plans. Under North Atlantic Treaty arrangements the French are committed to put twenty divisions in the field by mid-1954. It is French policy to maintain armed forces about twice the strength of West Germany's. If Germany is permitted to exceed the ten divisions fixed at the Brussels meeting of the Atlantic Council last December, France will be under strong pressure to raise its own sights, say to twenty-five or thirty divisions, depending on whether the Germans are to have twelve or fifteen. But the French are already groaning under the burden of rearmament, despite our lavish military aid.

France is placing its hopes on the fruition of its scheme for a European army. In a matter of days the five-nation conference which has been going on in Paris since February will complete a draft treaty for a European army, designed to achieve in the military sphere the goals of the Schuman Plan in the economic. The French want to forestall a strong German national army by interlarding the European army with small German formations. The proposed treaty would be signed by France, Germany, Italy, Belgium, and Luxemburg.

SCRUTINEER is the pen name of a Washington journalist who has long specialized in foreign affairs.

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The Dutch and Scandinavians have refused to sign, partly if not primarily because Britain stands outside the European-army project. As they see it, this means that while France will be the leading military power on the Continent for a few years, German armed might, alongside that of the United States, will all too soon dominate non-Communist Europe. If Britain were a participant, the traditional balance could be partially restored.

To what extent will French opposition succeed in thwarting the extravagant German rearmament program? It is safe to prophesy that France will fail in that endeavor, though it may water the program down a little. Already the French have dropped their insistence that regimental teams be the biggest German unit and have acquiesced in the creation of German divisions. French reliance upon the United States in Indo-China and North Africa, as well as in metropolitan France, is so great that defiance of American wishes is unlikely. Yet our sponsorship of formidable German rearmament will play straight into the hands of the French Communists, who are the principal French foes of German military revival.

A CLOSE look at the German plan discovers illuminating comparisons. The proposed armada of 2,000 German war planes is almost exactly equal numerically to the tactical air force at Hitler's disposal just before World War II. In the files of the Pentagon is a secret report written by Colonel Charles A. Lindbergh on January 1, 1939. At that time Lindbergh, prophet of the not-so-permanent wave of the future, was a confidant of the late Field Marshal Hermann Göring. His report revealed that the grand total of German military aircraft was 7,850, of which 2,194 planes, excluding transports, made up the tactical air force.

W. Stuart Symington, former Secretary of the United States Air Force and now administrator of the Reconstruction Finance Corporation, in a speech at the Air War College in Montgomery, Alabama, in 1948, said: "By 1926, although denied a military air force, Germany nevertheless launched her glider program and developed commercial aviation in such a way that her aircraft industry could be promptly converted to war purposes. . . . Thus during five short years—1935 through 1939—Germany produced Hitler's big stick, the Luftwaffe." It was with that club, Symington recalled, that Nazi Germany compelled Neville Chamberlain and Daladier to crawl to Munich on their bellies.

The 2,000 fighters and light bombers which the Germans now propose would carry an incomparably bigger wallop than the 2,194 tactical planes of 1938-39. Thus the Germans actually intend to set up a much more powerful tactical air force than they had when they undertook the conquest of Europe.

Let us take a squint at another historical comparison. The armed force of 250,000 men which the Adenauer government desires today is more than twice the size of the army allowed Germany under the Versailles treaty. This force, moreover, will have tanks, guns, and other equipment beside which the equipment of the old Reichswehr would look sadly moth-eaten. But a clause in the Versailles treaty required Germans who enlisted in their volunteer army to sign for at least twelve years. This long service made it possible to develop the Reichswehr into a highly trained, technically superb body of 100,000 potential officers and non-coms.

Within four or five years after the Germans were compelled to sign the Treaty of Versailles, they began to rearm secretly. Forbidden to have an air force, they built an aircraft factory a few miles from Moscow—for the Russians, of course. Several years after that, about 1929, in an incautious obituary notice in, I think, the *Frankfurter Zeitung*, the bereaved parents of a German Reichswehr pilot lamented his death in a plane crash in the Ukraine. This indiscretion revealed that German air-force cadets were being trained surreptitiously in Russia.

A courageous German journalist, Carl von Ossietsky, disclosed in his weekly magazine *Die Weltbühne* that a clandestine German general staff, illegal under the treaty, was operating behind closed doors at the Ministry of Defense. He divulged that the German military chiefs were secretly experimenting with submarines, also banned by the treaty; the experiments were being conducted on the coasts of Spain and Holland. Ossietsky, who later received the Nobel peace prize, died of tuberculosis after torture in a Nazi concentration camp.

Time and again the Germans managed artfully to dodge Allied restrictions on their armed power. Then came 1936, when Hitler began to rearm in deadly earnest. Now we are seeking to associate the Germans, nationalistic as ever though as yet a little less impatient to jump back into uniform, with the Atlantic Alliance. Later we intend to invite them to join as equals.

For the course we are steering the Russians bear their share of responsibility. Three years ago Moscow promoted the remilitarization of Germans in the Soviet zone, setting up "alert squads" which totaled about 50,000 men and were equipped largely with small arms. This piece of Kremlin folly gave the West a degree of justification for planning the remilitarization of West Germany. What we mean to undertake there, however, is something more formidable than Russia's creation of the East German *Bereitschaften*.

WE SHALL probably approve German conscript forces of about 250,000. Even if the Germans shun evasion of their commitments this time, a rash supposition, they will have trained a million men in six years. They will have at their disposal all the skill and technical experience for which they are rightly celebrated, plus much of ours. How long will it be before

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they again defy the Allied *Diktat?* How long before they once more break their "chains"?

Many sober political thinkers say that by permitting the German Republic to develop such military strength we are placing it in a position to decide whether there shall be a third world war and when. Moderates like Stresemann and Brüning could inflame their countrymen's emotions in the twenties and early thirties over the color of Danzig's mailboxes, to say nothing of the Polish Corridor. How much more effectively the lost territories of Silesia, East Prussia, and Pomerania will lend themselves to the spirit of vengeance when the German Republic is able publicly to flex its muscles!

The Adenauer government is already demanding that Germany's share of the occupation costs be cut so that it will have more money available for rearmament. Ludwig Erhard, German Minister of Economics, has been in Washington discussing this and other topics. The government views its plan for large-scale remilitarization as a German concession to the Allies. It is not asking us for permission to rearm. In return for rearming at our request, it is demanding absolute equality of treatment. It is also demanding a "contractual relationship"—a fancy name for a peace treaty—which will relieve West Germany forever of the fetters of the Occupation Statute.

Freedom for Insulting Speech—a Reply

BY VERN COUNTRYMAN

CONGRESS shall make no law . . . abridging the freedom of speech." So reads the First Amendment. The Fourteenth, as the Supreme Court has construed it, makes the same prohibition applicable to the states. The necessity for such a guaranty where government is based on the consent of the governed is apparent. Free communication of ideas is essential if the governed are to exercise their self-governing function.

The guaranty is expressed in the Constitution without qualification, and the social necessity for free discussion clearly requires that qualifications be imposed only sparingly if at all. But, at least since *Bridges* v. *California* in 1941, the Supreme Court has imposed a general limitation, first enunciated by Justice Holmes in 1919, which permits abridgment of that speech which creates a "clear and present danger." This limitation seems on its face to give more protection to free discussion than did the "dangerous tendency" test employed by the court in earlier cases. As applied by the court, however, it has brought little demonstrable improvement.

Although the clear-and-present-danger test has been employed by the court in cases involving all the freedoms guaranteed by the First Amendment, it has not been consistently applied to any of those freedoms. Many decisions sanctioning abridgment of First Amendment freedoms have made no mention of clear and present danger and at the same time have given no reason for not applying the test. Moreover, the cases in which it has been applied have given it little identifiable meaning.

What sort of "danger" is contemplated? The danger of "substantive evils" which government has the power to prevent, said Holmes, and the court added in the Bridges case that "the substantive evil must be extremely serious." But the possibility of a street-corner brawl is serious enough to silence Mr. Feiner, and the court once sanctioned an abridgment of religious freedom when the only conceivable serious evil was the refusal of two school children to salute the flag.

When is the danger "clear and present"? When "the degree of imminence [is] extremely high," said the court in the Bridges case, but Mr. Feiner goes to jail because his audience was "restless" and one of its number threatened to pull him off his platform. And only a few days ago the court upheld the conviction of eleven Communist leaders on Judge Medina's reading of "clear and present" to mean "as speedily as circumstances would permit."

ONE of the free-speech cases decided without reference to clear and present danger was the Chaplinsky case, upon which Miss Dembitz draws so heavily. Chaplinsky called a police officer a "damned racketeer" and a "damned fascist," and the court upheld his conviction because such "insulting or fighting words," employed "face to face," were "plainly likely to cause a breach of the peace." Whether or not a possible scuffle between Chaplinsky and the reviled officer was a "substantive evil" of sufficient magnitude to justify abridgment of speech the court did not determine. Instead, it resorted to the time-honored lawyer's trick of avoiding an issue by calling it something else, and announced that Chaplinsky's speech was not really speech at all when properly considered. "Resort to epithets or personal abuse is not in any proper sense communication of infor-

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mation or opinion safeguarded by the Constitution." Less than a year later the court found it unnecessary to mention either the Chaplinsky decision or clear and present danger when, in *Cafeteria Union* v. *Angelos*, it held that the free-speech guaranty protected pickets who told customers of a picketed cafeteria that they were "aiding the cause of fascism." And the Terminiello decision in 1949 made it even more difficult to square the Chaplinsky case with the clear-and-present-danger test by finding no sufficiently serious evil to justify silencing the racist vituperation of Father Terminiello, although an "angry and turbulent" crowd was rioting outside the meeting hall in which he spoke. Speech, said the court, is protected "unless shown likely to produce a clear and present danger of a serious substantive evil that rises far above public inconvenience, annoyance, or unrest."

In the Feiner decision, which Miss Dembitz and I both deplore, the court again found it convenient to avoid any mention of clear and present danger—perhaps because of the difficulty involved in demonstrating the seriousness of the "breach of the peace" or "riot"—terms used interchangeably by the court—which Feiner was found to be "inciting." The case is one of a long line demonstrating that the spasmodic application of an essentially meaningless test will never provide that "clear standard . . . as to the limits of a speaker's rights" which Miss Dembitz seeks.

But the standard which she proposes is not appreciably clearer; nor, so far as its operation can be predicted, is it otherwise preferable to the clear-and-present-danger test. She would extend to street speakers the "insulting words" doctrine which the Chaplinsky decision enunciated for face-to-face encounters. And in order to give that doctrine greater precision she would confine it to speech "which disparages the persons to whom it is addressed in their personal characteristics." What this means is not clear to me, and it becomes less clear in the light of her illustrations. To call a policeman a "damned fascist" is to disparage his "personal characteristics," but if I understand Miss Dembitz correctly, no similar disparagement of the "personal characteristics" of American legionnaires was involved in Feiner's calling their organization a "Nazi Gestapo"—although he would go too far if he called them "cowards or traitors."

Miss Dembitz would further extend her proposal so as to include the suppression of disparagement of prominent representatives of a racial or religious group whenever a member of the group is in the audience, because members of those groups feel such a "close and inescapable identification with the group" that disparagement of a group leader "is commonly regarded as attacking the honor of all members." (A similarly cohesive loyalty is not to be permitted for other groups—American legionnaires are not allowed to consider disparagement of their leaders a personal insult.) But Miss Dembitz assures us that her proposal would not land Kunz in jail even if he declared "the Pope is anti-Christ," although he could be promptly bundled off if he said "the Pope is a crook." Obviously, Miss Dembitz's proposal involves some assumptions about man's insult threshold which, to say the least, are not clear.

MOREOVER, her proposal would, as she admits, "establish a new restraint on speech" in at least two important respects. In the first place, as Justice Roberts said for a unanimous court in *Cantwell* v. *Connecticut*, "to persuade others to his own point of view, the pleader, as we know, at times resorts to exaggeration, to vilification of men who have been or are prominent in church and state, and even to false statement." Justice Roberts thought that toleration of such speech was, "in the long view, essential to enlightened opinion and right conduct on the part of citizens of a democracy." Miss Dembitz disagrees—she would require the speaker to mind his manners.

Furthermore, even the mannerly speaker would suffer a new restriction on his freedom under Miss Dembitz's proposal. Since she does not embrace the Supreme Court's notion that no communication of ideas is involved in insulting speech, she presumably recognizes that her proposal would silence every street speaker who had an insulting idea to convey, at least if there is an insultee in the audience. (Just how, when, and by whom the composition of the audience is to be determined is not too clear, but apparently this function, as well as that of identifying insulting ideas, is to be discharged in the first instance by "police especially schooled for the supervision of street meetings.") Many ideas are insulting to someone, no matter how delicately they are expressed, but the manner of expression becomes unimportant under Miss Dembitz's test. No street speaker is to be allowed to attempt to persuade his listeners that anyone who may be in the audience is a racketeer or that the leader of any racial or religious group which may have a member in the audience is a crook.

And why should insulting statements, as distinguished from all others, be subject to blanket suppression? Not because they are less "essential to enlightened opinion" than Justice Roberts thought they were, but because social custom condones physical retaliation for a personal insult.

Here, it seems to me, is the most dangerous feature of Miss Dembitz's proposal. For the free-speech guaranty is only of importance when the speaker runs afoul of some "social custom"—no one is interested in suppressing the utterer of orthodoxies. The most vital function of the guaranty is to insure the dissemination of ideas which prevailing opinion of the moment would suppress—whether the suppression is effected by public officers enforcing statutes enacted by representatives of the majority

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or by private citizens acting in accordance with "social custom." As Justice Douglas said for the court in the Terminiello case, free speech "may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger."

Social custom probably now condones physical retaliation not only for "personal insults" but also for insults to God, country, and mother; and it may one day condone similar retaliation for insults to the wisdom of General MacArthur or the integrity of Senator McCarthy. Why social custom should prevail over free speech in one instance but not in the others neither Miss Dembitz nor the advocates of group libel laws, who make similar distinctions, have explained. But her use of the very force which makes the free-speech guaranty necessary as a justification for abridgment of speech would, if accepted, open the door for many more abridgments of that speech which best serves its high purpose by stirring people to anger.

Six Minus Four: Trenton's Way Out

BY CHARLES R. ALLEN, JR.

ON JUNE 14, as a hundred state and city police patrolled the courtroom and corridors, and the streets around the courthouse, an all-white jury acquitted four of the defendants in the Trenton Six murder case and recommended life imprisonment for the two found guilty. Lasting fifteen weeks, this second trial was not so much a trial of the six Negro defendants as a trial of the Trenton police, who stood accused by the defense of deliberately suppressing evidence and of having forced false confessions from innocent men.

The jury obviously did not believe the state's main evidence, the confessions. Patently illogical, the verdict was characterized by defense counsel as "verging on legal lunacy." While the two defendants charged as principals were acquitted, Collis English, described as "undersized, undernourished, of inferior mentality, depressed, confused, a cardiac, psychoneurotic case," and one other defendant, Ralph Cooper, were convicted. Apparently the jury either felt that it had to save face for the Trenton police or was forced to compromise if a verdict of any kind was to be returned.

The Trenton *Times*, which has long supported the city police and the Mercer County prosecutor, admitted that the verdict was puzzling. "This verdict," an editorial declared, "is difficult to rationalize. It is obvious that a great deal of evidence by witnesses in whom the public has faith did not weigh heavily in the reasoning of the jurors and that the confessions which seemed damaging were not controlling in influencing the conclusions [of the jury]. . . . The history of the Horner case constitutes one of the dark chapters in the record of New Jersey justice."

This dark chapter began on the morning of January 27, 1948, when William Horner, a seventy-two-year-old shopkeeper, was beaten to death in the rear of his second-hand furniture store. Elizabeth McGuire, his common-law wife, who was in the store at the time, was badly beaten but ultimately recovered. More than $1,600 in Horner's pockets, as well as some $900 which his wife had in her stocking, was left untouched. Several days later Collis English, a twenty-seven-year-old navy veteran, was arrested on a complaint or tip from his father, George W. English, who charged that the son had used his car without permission. The father was not called as a witness during the first trial, since he was serving a term in the New Jersey state prison for rape. The police testified that Collis English admitted using the car on the day in question and later revealed the names and nicknames of his companions. All the defendants were unskilled Negro laborers and some of them were illiterate. They were arrested, incidentally, without warrants.

Five of the defendants signed confessions—one with his mark—and they were brought to trial in the summer of 1948. Represented by lawyers appointed by the court, they repudiated their confessions and testified that they were either working or were at home when the crime was committed. Employers, fellow-employees, and neighbors substantiated their testimony. Nevertheless, the jury found them guilty, and the judge sentenced them to die in the electric chair. The convictions were appealed on the grounds that the trial judge had committed legal errors and that evidence, particularly evidence of fingerprints found on the alleged murder weapon, a green soda bottle, had been suppressed. Shortly after the appeal was argued, the case began to attract national attention largely because of the intervention of the Civil Rights Congress.

In ordering a new trial the New Jersey Supreme Court directed the state to produce all available evidence and denounced the suppression of the fingerprint evidence as an offense "against all the plainest principles of justice." Through the efforts of the Princeton Committee for the Trenton Six—a committee made up largely of clergymen and Princeton University professors, with Dr. Edward S. Corwin as chairman—George Pellettieri,

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a former Trenton judge, and Arthur Garfield Hays, well-known general counsel for the American Civil Liberties Union, were brought into the case. Additional counsel were also provided by the National Association for the Advancement of Colored People.

FROM the outset of the second trial a strong light was thrown on the methods used by the Trenton police in investigating the case. Lieutenant Elvin Sharpe, head of the Police Department's identification bureau, insisted that he had found no fingerprints on the soda bottle which might have been used to make comparison tests, though he acknowledged that the weapon was covered with "fragmentary" prints. No photographs were made of these prints, and the bottle was wiped clean after it had been examined. Under cross-examination, Sharpe admitted that he had failed to make a written report of his findings until June, 1949—a year after the Trenton Six had been sentenced to death.

The state's key witness, Elizabeth McGuire, identified three of the defendants as having been in the store on the day of the murder but admitted that she had failed to identify them at the police station eleven days after the murder. Asked to identify the defendants then, she had said: "I am certain they were not the men." The police conceded that the defendants were the men she had been asked to identify on that occasion and that they had not been placed in a regular police line-up. Elizabeth McGuire also testified that she had been unable to make any identifications until about a week before the first trial, when she was shown photographs of the defendants in the prosecutor's office.

Another important witness for the state was Captain Louis Neese, head of the police communications system. Shortly after the murder, he said, teletype and radio alarms were sent out calling for the apprehension of three or four "colored men" driving a bluish-green four-door Plymouth with a trunk at the rear. One of the teletype messages read: "Trenton police definitely certain that car in question is 1936-1937 bluish-green Plymouth Sedan." The George English automobile is a black two-door Ford which has no trunk. The facts about the alarms were suppressed at the first trial. At the second trial the police testified that the alarms were based on information supplied by Elizabeth McGuire and by persons who may have seen Horner's attackers fleeing from the store. But the alarms were not canceled until two days after the defendants were arraigned, and no effort was made to explain this irregularity.

During the first trial the prosecution was permitted to introduce all the confessions. But after hearing testimony at the second trial that the confessions were obtained by the use of drugs, threats, and promises, the trial judge excluded all but three of them. At the first trial a Negro physician testified that he had examined the defendants at the police station when the confessions were signed. His statement must have pleased the prosecution for shortly afterward he was given a county office. When he testified at the second trial that certain of the defendants had acted as if they were drugged when they signed their confessions, the prosecution charged that pressure from the Negro community had prompted this new piece of information.

One of the most controversial questions of the trial was the weapon that was supposed to have been used. Two soda bottles were presented at the first trial; a third was presented at the second. The first two were linked to the defendants who were acquitted; the third, which was traced to one of the two defendants convicted, was not uncovered, according to the police, until August, 1950. But the plant manager of a bottling works, called by the defense, testified that the third bottle had not left the company's warehouse until June, 1950—more than two years after the murder. This third bottle, moreover, was turned over to the police by George W. English, father of Collis English.

At the second trial Dr. Fredric Wertham, the well-known New York psychiatrist, testified that the confessions were "induced fiction" and could not have come from the minds of the defendants. To rebut his testimony, the prosecution placed Dr. James Spradley, a state psychiatrist, on the stand. Dr. Spradley insisted that he was unaware of any case where a sane man had ever signed a false confession. To Arthur Garfield Hays's question, "Don't you know that people often do things because of pressure?" he replied: "I don't know that."

Addressing this year's annual convention of the N. A. A. C. P., Philip Willkie pointed out that racial discrimination fosters a hypocrisy that can only result in a general lowering of moral conduct. A society that will tolerate one standard of justice and fair play for white men and another for Negroes will betray its traditional ideals in other respects. The story of the Trenton Six—now minus four—is a story of corruption and betrayal that will not be fully expunged from the record of New Jersey justice until Collis English and Ralph Cooper are released or pardoned. The failure of justice in this case stemmed directly from the notion that the United States would somehow suffer a defeat in the cold war with the Soviet Union if New Jersey were to fail to convict any person defended by the Civil Rights Congress. Even after the Congress was no longer in the picture, the largest measure of justice that could be obtained was a compromise verdict. Justice has not been done as long as two men must serve long sentences for a crime they did not commit.

Thanks to the generosity and leadership of the Princeton Committee for the Trenton Six, an appeal will be taken, and it may be hoped that the convictions of English and Cooper will eventually be reversed.

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BOOKS and the ARTS

One Moment in History

THE WATCH. By Carlo Levi. Farrar, Straus and Young. $3.75.

FIRST of all, of course, this isn't a novel, as the jacket and its blurb would have you believe. It would be a mistake to expect Levi to construct, out of historical incident and personal experience, a technically acceptable work of fiction. So let's get the idea out of the way that "The Watch" even pretends to be a novel, complete with plot, sub-plot and, if possible, love interest. Then perhaps we can talk fairly about the book.

It is, instead, a prolonged meditation upon one moment in recent history. Levi's work has always had to do with man in relation to the historical moment, and the present book gives it continuity and cumulative force. He is a writer animated by a clinical interest in his fellow-man, but unlike many clinicians, he has also great love for his fellows. It is not the kind of love which breeds false values or the eternal sentimentalities of men who "mean well." It is the love of a good doctor, which Levi was trained to be, the doctor who knows when merely to advise, when to cut and stitch, even when to prescribe the death draft.

This loving man, this writer who is piling up human and personal documents in his books, has chosen to record —of all the incidents he has witnessed in the event-packed last years—one moment in time which was to some the most searing and shattering, and therefore the most symbolic of all—the fall of the Parri (Resistance) government in Italy in 1946. The importance of this moment was that for so many it spelled the end of hope. Not only for Italy but for Western Europe, the coup d'état sealed a kind of doomed return to the status quo ante and, specifically in Italy, to clericalism and Giolittian impotence.

In the lacerating and beautiful chapters which describe the government crisis and the last press conference of the ousted leader, Levi writes: "The Premier, the fallen Premier whom they wanted either to support or replace, did not fly in the sky [of politics], nor did he even turn to look at it. He walked over a small earth, and did not want to know and see anything but . . . the faces and hands of all those he met on his way. He stopped to talk with them, forgetting everything else, and he wept for their tears."

Opposing this "exotic and courageous" man, Levi aligns not only the other party leaders who maneuvered him out of office but the multitude of inert, malevolent, and sycophantic office-holders who "would no longer have to tremble at the idea of crazy reforms, senseless changes, cruel purges, and ridiculous demands for efficiency, [who] would no longer need to greet superiors who didn't hesitate to humiliate them by rejecting the title 'Your Excellency,' so sweet on the lips." There you have the duality between real and false, between sincere and conventionally bland and faceless, which is the prime element of the book.

This symbolic dichotomy appears again in a notable and intensely credible discussion between two fellow-editors and the author in which one of the former divides all men into producers, *Contadini* ("peasants" in the sense of those who make real things grow), and parasites, *Luigini* ("gentlemen" whose only claim to survival is their genuine passion for a bite, even a small bite, of authority).

Hammering this theme in its various aspects on page after page, Levi yet manages never to make "The Watch" a bitter book. It has the gentle, rolling, and engulfing warmth of mulled wine, as if the author partook a little, despite his Piedmontese origin, of the Neapolitan sense of timelessness, which he describes as a "world that had already lived out its time in its own eternal and unchangeable law and that, in that ancient and sorrowful world, people considered themselves nothing but an ephemeral ornament, a transient expression, and yet were putting all their good-will into adorning it . . . contemplating their own swift passage through it without illusion."

This acceptance by the author of the inevitability of loss, of disillusion, of political but not moral defeat, never implies fecklessness. Levi calmly mentions at one point his own inertia, which is manifest everywhere in his inability, once started on a descriptive passage or a summoned scene of memory (childhood in Turin, the rout attending the fall of France, a moment in the prison of Le Mantellate when the owls were spied on a nearby roof), to cut it short. But his recorded thought and known anti-totalitarian action attest the fact that his convictions have shaken him loose often enough. He knows whereof he speaks when he describes that army of "men and women [who] went about on the streets of the world, driven into a time which was not their own."

This brings us to the device, arbitrary and baroque but valid, of the watch from which these rambling, meditative memoirs take their name. The writer presents us in his first pages with a Kafkaesque watch, the heirloom given to the son by his father upon his emergence into still-fumbling adolescent sentience and standing clearly for some sort of ordered, upper-middle-class continuity of intellectual and social ideas. Levi's meditations begin with his inherited watch, which is first broken in a dream and then, on his waking, in sober fact.

The symbol is never obtrusive, and it starts us off. We then follow the author in his personal hegira to have the watch fixed, hence to his job as editor of *L'Italia Libera* (the Action Party daily), and on to press conference and printer's, including excursions outside the straight narrative of the political events of those days yet related to them by implication. And everywhere the spiritual and physical climate of Rome in those days follows us. In the end, the watch of Levi's adolescence—broken, we are led to believe, beyond repair—is replaced by another bequest, this time from an uncle, a doctor, a "sage," who transmitted it to him on his deathbed through the hands of a toil-worn peasant woman, representative of the loyal-

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ties and stubbornness of the *contadini* at their resistant best.

But there is too much of everything in the book, as if, pouring his hot wine with a steady and generous hand, the author did not, literally, know when to stop. Especially is this true of the overblown Naples passage, in which everything of fact and legend which has meaning for our time comes popping, page on page, before our eyes, until at a certain moment, as if to protect the best of the book against this engulfing flood of scenes, words and more words, we wish to cry stop. But despite such defects of proportion, the book has communicable and convincing greatness.

There are a few lame passages which do not ring or move in English, but on the whole the translation is honest and good. Levi's prose pattern, ornate, swollen with pregnant associative adjectives, with convoluted allegorical and prophetic imagery, is more closely followed in this translation than in any American edition of his other books.

To add spice for the initiate of any nationality, there are the painter's vignettes of De Gasperi, Togliatti, Cianca, Croce (in the dream sequence), and a host of other painters, writers, editors, men of politics, who paraded across the Italian scene in the immediate post-war years.

"The Watch" is intimately related to Levi's other work. The chronological order of the books, if I recall, places "Fear of Freedom" first (for reasons of prior copyright, this title, the correct translation of the French and Italian title, could not be used in English). Levi's contention that this fear is at the root of man's inability to direct his destiny to a morally more acceptable end is given empirical evidence in his first narrative, "Christ Stopped at Eboli." Therein the fear and its resultant duality are exemplified in the infinite capacity of man to visit repressive and ignorant cruelty on his fellows. In the present work the author takes us one step farther and confronts man with a moment of choice—in "Christ Stopped at Eboli" there was no choice possible. The recorded moment is that of "the last chance." But even among the *Contadini*, the morally saved or salvageable, there are those who "turn toward peace with such intensity that they refuse to defend it": fear of the responsibilities of freedom engulfs the moment, and it is gone. This inability to choose, to distinguish with any certainty between the real and the unreal, which Levi saw in his snatched moment of history, when all hopes for a true resurgence of the progressive forces were dashed, is the bleak, tragic pageant "The Watch" records.

At a time when man's concern with himself has shut him progressively away from the other selves who make up his world, it is a healthy experience to come on a subjective and personal work so teeming with awareness of the world about one, an "I" book so human, so honestly thought through, and so vast.

FRANCES KEENE

A Man of Taste

THE TWO LIVES OF JAMES JACKSON JARVES. By Francis Steegmuller. Yale University Press. $5.

JAMES JACKSON JARVES belongs to the history of those nineteenth-century Americans who for various reasons found themselves happier in Florence or Rome than in Boston or New York. Notional, indefatigably busied with a multitude of enterprises, he was doubly an exile, for his artistic convictions did not make him popular in the Italianate society of which the brightest permanent ornaments were such men as William Wetmore Story and Hiram Powers. While they were profitably imitating Canova and Thorwaldsen, turning out pieces and "groups" which now clutter the basements of our museums, Jarves, an amateur of the arts, guided only by an untrained taste and dicta picked up from reading Ruskin, was buying Italian primitives which almost no one else wanted but which today form one of the more important collections of Yale University.

His early life had nothing to do with the arts. In 1837, when he was nineteen, his father, the inventor of Sandwich glass, sent him to Honolulu to recuperate from a nervous breakdown and to make his fortune. During his eleven years in Hawaii he published a lively newspaper, became deeply involved in local politics, wrote the first history of the islands, contracted a wretched marriage, and failed in every one of his numerous business ventures. Returning to the states, he had a brief and unsuccessful fling at the California gold rush. Thereafter he moved with his family to Paris.

In the galleries of the Louvre, European painting burst upon him like an apocalypse. And in Florence, in the fifties, he found his vocation. "In buying," he was to write, "there is pleasure because it is in an inferior sense a species of creation." At a time when most critics thought of Italian primitives as examples of the awkward beginnings of Western painting, he managed, one way and another, to collect 119. These, since he fancied himself a modern Augustus, unfortunately impecunious, he desired to see purchased by some merchant prince or group of merchant princes and established in a gallery in his native Boston. Not entirely for their intrinsic merit. As Mr. Steegmuller points out, although Jarves loved his paintings for themselves, he wrote of them, falling into contemporary jargon, as illustrating the "progress" of Art. He also thought of himself as a missionary, believing that if Art were ever to flourish in America, examples of it must be "carried" there, exactly, to cite

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Mr. Steegmuller again, as the Gospel had been carried to the Hawaiians. But the millionaires of the sixties were not interested in Italian primitives. (*The Nation* was one of the few periodicals to welcome the collection to the United States.) After years spent in trying to dispose of them and after many complicated financial embarrassments, Jarves lost his paintings to Yale for $22,000.

At the same time he was writing an autobiography which begins in the womb, two long books on art, the second of which, "Art Studies," goes, says Mr. Steegmuller, "immensely beyond any other American book of its period," and numerous articles. In his later and more prosperous years, when he was buying for such American collectors as the Vanderbilts, he also wrote the first book by any Westerner on Japanese art.

He was, then, a prophet almost entirely without honor. If he subscribed to theories of "progress" in the arts, still he was clear about developments to which his contemporaries were blind. To quote from "Art Thoughts" (1870):

> In America, the present is an epoch of monstrous plaster figures daubed with crazy paint; of mammoth cast-iron wash basins, called fountains; of cast-iron architecture and clumsy gateways to public parks. . . . Yet the American, while adhering closely to his utilitarian and economical principles, has unwittingly, in some objects to which his heart equally with his hand has been devoted, developed a degree of beauty in them that no other nation equals. His clipper ships, fire-engines, locomotives, and some of his machinery and tools combine that equilibrium of lines, proportions, and masses which are among the fundamental causes of abstract beauty.

The opening Jeremiad is not entirely novel for its time, although it is at odds with the taste of the generations which admired Powers's Greek slave; the conclusion did not become central to American thinking about art until after the turn of the century.

This is a brief summary of what Mr. Steegmuller has presented fully in the first book to bring together the facts of Jarves's life and to place him in the history of our culture, a book invaluable, also, to anyone concerned with the curious history of Americans in nineteenth-century Italy. Yet in spite of extensive quotations from family correspondence—the letters of his vixenish first wife are an engrossing record of a bad marriage—Jarves has eluded his biographer. The fault is not Mr. Steegmuller's, although he sometimes sounds over-cautious in his use of unpublished matter. Jarves was so notional, however right he may have been, that he contrived for himself a moral and to some extent an emotional isolation. He had many acquaintances but no close friends. He behaved badly to his first wife and to his children by her. If he adored his mother, his second wife, and the children of his second marriage, the evidence shows that they were long-suffering. Passion he reserved for his collecting. Morally he was the kind of expatriate American whose archetype James drew in Gilbert Osmond, the man of taste but also the villain of "The Portrait of a Lady." Jarves was not an evil man, but he was certainly lacking in ordinary human feelings. Like Osmond —one thinks, too, of Gaithorne-Hardy's recent memoir of Logan Pearsall Smith —the pursuit of art depleted his humanity and left him a singularly unmanageable subject for his biographer.

ERNEST JONES

Primitive Medicine

A HISTORY OF MEDICINE. Volume I: Primitive and Archaic Medicine. By Henry E. Sigerist. Oxford University Press. $8.50.

FOR Sigerist medicine is a social science rather than a natural science because the goal is social; it is one "link in a chain of social-welfare institutions; therefore our approach to the history of medicine cannot be broad enough." This work—a synthesis of all preceding medical histories—is for the general reader, historian, and physician; it takes medicine out of its technical category and shows it as the thread running through the multifarious activities of man creating his civilization. For the past twenty-five years all Sigerist's efforts have been focused on the writing of a history of medicine. He worked in social medicine in Europe, America, Africa, and Asia; he knows fourteen languages; he was the director of an Institute of the History of Medicine first in Leipzig (1925-31) and then at Johns Hopkins (1932-47). In 1947 he retired to his native Switzerland and there is writing in English an eight-volume history of medicine, of which this is the first.

The hub of medical history is the history of the incidence of disease. How old is disease? A special field of investigation aptly named paleopathology deals with this question. By means of X-ray and microscope the bones of man and pre-man animals have been analyzed for the marks of disease, and it is urged that "every mummy should at least be X-rayed as a matter of routine." We can now say that disease is as old as life, that early man and animals before him suffered from much the same array of disorders as we today. Man's natural defenses against disease were always "a very limited number of mechanisms." A hydra may be cut into as many as four pieces and each part will regenerate a new organism, but man can only form scar tissue. Man's brain, enabling him to perfect artificial defenses, has always been his best protection. The incidence of disease must have fluctuated in different countries and periods, but on this quantitative aspect of disease our information is scanty. In our age of One World, Sigerist, constantly defining problems requiring further research, points to the need for monographs, with atlases, on the history and geography of disease.

The present volume covers primitive and archaic (Egyptian and Mesopotamian) medicine. The section on primitive medicine is probably the only recent attempt to gather up many widely scattered threads in one whole. Today over half the world's population lives under primitive medicine. There are some rational elements: the setting of fractures, a form of vaccination against smallpox, and certain efficacious drug and diet therapies. However, these techniques are intermixed with magic and religion, forming a blend which "puts faith before reason." The "first flowering of civilization" was in Egypt, and Sigerist's broad approach finds its scope here. He presents a society in terms of its health problems and the relation of doctor to patient. The sanitation of Egypt—a country "created and re-created by the Nile"—is dependent on man's control of the Nile; when this is ineffective, parasitic

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diseases are more prevalent. Today disease may be more widespread in Egypt than under the Pharaohs, perhaps because the land has to support twice the ancient population and because the control of irrigation is relatively not as effective as it was in ancient times.

In Egypt, for the first time in history, there was an empirico-rational school of medicine: a class of physicians, evidently trained in medical schools, who knew no anatomy but who speculated on the body and diseases without recourse to the gods—"very impressive." Through the papyrus Edwin Smith and papyrus Ebers we see the physician as he examines the patient, interrogating and palpating him, occasionally connecting a disease with a cause—worms—and dispensing numerous drugs by prescriptions which look amazingly like our contemporary prescriptions. Unlike the physician of today the Egyptian was not interested in alleviating incurable disease. "Man," Sigerist reminds us, "needs a certain time to develop certain techniques, ideas, philosophies," and this is the beginning of our modern medicine.

In Mesopotamia religion and magic colored all medical activities, and the priests were the doctors. The notion of the sick man as a sinner is emphasized; this "was to play an extremely important part to our very days." The medical literature of Mesopotamia, in contrast to that of Egypt, is still incompletely edited and translated, and Sigerist's main contribution is to present the social background against which future medical discoveries will have to be considered.

The main single impression gained from this volume is of the interaction of medicine with the total life of the time, and we close it feeling that rarely have we learned so much about man and his society. RALPH COLP, JR.

American Songs

CARL SANDBURG'S NEW AMERICAN SONG BAG. Broadcast Music. Cloth, $2.50; paper, $1.25.

THIS tall but slender volume ought to represent the first easy instalment on a revised and much-enlarged edition of the great Song Bag of 1926. That was and remains the supreme American collection for the ultimate consumer who wants words, music, and accompaniment of the songs he has remembered or forgotten, and to whom class distinctions based on commercial or folk origin are matters, not of acceptance or rejection, but of historical interest at most. For such a consumer it is so much velvet to find the material annotated with illuminating comment, and it happens that Sandburg is one of a very few writers who can make a song come clearer by talking about, or around, it. Even when he seemingly digresses to talk of his country at large, somehow his country's songs spring out like the stars, in their places.

We have here sixty songs, of which only about twenty-five are out of the original Bag, and those include some of the prizes. He's Gone Away, for instance, in the Sowerby arrangement is about the most exquisite American secular folksong, in substance and setting, that has achieved print. (Sowerby, by the way, receives a credit line, which some other deserving arrangers have missed.) The added material also comprises some fine pieces, such as Raggle Taggle and Zora Neale Hurston's find, Cold Rainy Day. It would be fun to superannotate many of these intermarried songs. Thus Sandburg names five kin of Rabble Soldier, to whose number I should add the Dallas Blues, Water Boy, He's Gone Away, and a great English immigrant, The Wagoner's Lad. The pages are embellished with many pertinent cuts from old prints. As to sequels to come, I regret that the editor's foreword is coy.

ABBE NILES

Books in Brief

THE OXFORD COMPANION TO THE THEATER. Edited by Phyllis Hartnol. Oxford University Press. $8. Similar in plan and scope to the other Oxford "Companions" this nine-hundred-page reference work will prove genuinely useful where others fail. There is some duplication, especially on the subject of the most important playwrights, but the stress is on the stage rather than on literature, and there is a vast amount of technical information about theaters, actors, stage machinery, theatrical custom, and the like not available in any other one book. The arrangement is that of an alphabetical encyclopedia; the scope is international. Inevitably where so much is undertaken, the user will sometimes be disappointed not to find an entry which he thinks it reasonable to expect, but "if something is omitted much is performed." There are nearly sixty contributors, some of them American, and there is very full stress on things American. Movies are excluded as demanding a volume to themselves, but the treatment of the non-literary theater is very full. So too is that of the early French, English, and German playhouses and players. The present reviewer has discovered one wrong date and no doubt there are others, but the general impression is of informed trustworthiness and commendable absence of the slapdash compilation evident in more than one other remotely similar volume.

GOVERNMENT PROJECT. By Edward C. Banfield. Free Press. $3.50. In 1936 the government established a cooperative farm at Casa Grande in the Arizona desert and settled fifty-seven indigent farm families on the land. After the expenditure of over a million dollars and seven years of constant effort by honest and reasonably efficient government officials, the project collapsed and was liquidated. This objective, impartial, and wholly fascinating post mortem illuminates the difficulties inherent in such government projects and their tendency to be wrecked on the rock of plain human cussedness.

THE HUMAN GROUP. By George C. Homans. Harcourt, Brace. $6. The recent interest shown by American sociologists in the small group has prompted Professor Homans of Harvard to essay a "sociological synthesis" of all that is known about small groups, their structure, problems, and leadership. Although he writes with simplicity, straightforwardness, and a refreshing freedom from jargon, his method of presentation, as he himself warns with disarming modesty, is repetitious and dull and emphasizes the obvious. He arrives at a series of "hypotheses" or sociological "laws" which are intended to apply to all small groups, illustrating them with five case studies ranging from a street-corner gang in the slums of an American city to the family system of

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a South Pacific tribe. His "hypotheses" are aesthetically very neat, but seem excessively abstract and frequently trivial. Nor are the "limiting conditions" under which they hold true fully stated.

GENERAL CHARLES LEE: TRAITOR OR PATRIOT? By John Richard Alden. Louisiana State University Press. $4.75. A detailed and interesting biography of the eccentric English adventurer who became a general in the service of the colonies and is remembered now as the object of Washington's wrath at the Battle of Monmouth. Contemptuous of humanity and devoted to dogs, proud, turbulent, cynical, and romantic, Lee rates this biography as a curiosity of his period rather than for his historical importance.

CONTRIBUTORS

FRANCES KEENE, long a worker with the Italian underground group which became the Action Party, edited the only documented history of fascism as told by the opposition, "Neither Liberty Nor Bread."

ERNEST JONES is a member of the English Department at Queens College.

RALPH COLP, JR., is a resident physician at Mt. Sinai Hospital.

ABBE NILES is an authority on American folk music.

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Music

B. H. HAGGIN

CORRECTION: Listening to the Urania recording of "Tristan und Isolde" I heard passages in the second act that used to be cut at the Metropolitan, and therefore accepted Urania's statement that this was a completely uncut performance. But apparently one must never believe anything a record company says; for Jerome Bohm reported in the *Herald Tribune* that about fifteen pages were still cut from the second act.

Two more recordings of operas of the standard repertory are Columbia's "Carmen" and Cetra-Soria's "The Barber of Seville." The "Carmen" is an excellent Paris Opéra Comique performance with spoken dialogue instead of the recitatives we have always heard; of the singers the Escamillo, Michel Dens, is poor, but the Carmen, Solange Michel, the Don José, Raoul Jobin, and the Micaela, Marthal Angelici, are good; and the conductor of the animated and finished performance is André Cluytens. The "Barber" performance conducted by Fernando Previtali is in the hammed-up style—with all sorts of changes of the Rossini score—that we hear all the time (this is a work badly in need of restatement by a Toscanini). In that style the Figaro, Giuseppe Taddei, sings well, and the Rosina, Giuletta Simionata, sharpens the contours of both slow melody and brilliantly executed florid passages with the verve that she exhibited in the "Cenerentola" recording —though it must be added that her mezzo-soprano voice is a little tremulous and edged this time; but the Almaviva, Luigi Infantino, carries the extravagances of the Italian tenor to the point of sheer caricature.

As for unfamiliar works, the Haydn Society has taken enormous trouble to assemble the scattered fragments of Haydn's "Orfeo ed Euridice," which he wrote during one of his London visits, into a complete score for performance and recording. Unfortunately there is in the music nothing like the crescendo of dramatic excitement that is built up in the descriptive notes: the long recitatives aside, the arias and choral passages are agreeable to listen to, but without the dramatic force that is heard only once—in the opening chorus of Act 4, which for me is the outstanding piece of the opera. The tenor Herbert Handt sings well; the soprano Judith Hellwig gets through the florid passages with great difficulty; the bass Alfred Poell sounds dry and tight much of the time but occasionally magnificent. The orchestra and chorus are those of the Vienna State Opera; the performance seems well paced by Swarowsky; but the recording produces the unspacious sound of a small orchestra which deprives some of the music of the power which the sound of a large one would give it.

The dramatic quality absent from this work of Haydn's maturity is strikingly present in Verdi's early opera "Nabucco," which has been issued by Cetra-Soria. And not only dramatic quality: it is astonishing to hear the Verdi style used with such sureness and effectiveness even without its later enrichment and refinement. Paolo Silveri sings with a strong vibrato and with his upper notes less agreeable than his lower ones; better singing is done by the bass Antonio Cassinelli, and good singing by the tenor Mario Binci; Gabriella Gatti's beautiful soprano voice is free of tremolo in the last act; Caterina Mancini's fresher and lovelier soprano is produced in a way that results in tremolo and occasional screaming. The orchestra and chorus are those of Radio Italiana; and Previtali conducts forcefully.

The wonderful orchestral introduction to *Ella giammai m'amó* is cut, but I haven't a score with which to tell how much more is cut of the magnificent music of Act 3 of Verdi's "Don Carlo" that is on a Capitol record, excellently sung by Hilde Konetzni, soprano, Elisabeth Höngen, mezzo-soprano, Georg Oegel, tenor, and Alois Pernerstorfer and Alexander Welitsch, basses, of the Vienna State Opera with its orchestra conducted by Erwin Baltzer. Regrettably the music is sung in German —for example, *Sie hat mich nie geliebt* —which is disturbing. The orchestra is sometimes far back of the singers and dim; there is excessive reverberation; and no text is provided in any language.

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RCA Victor's LP record Highlights of "Don Carlos" assembles a number of recordings made at different times and places. One was previously issued on 78: *Ella giammai m'amó*, not too well sung by Tajo, but with the orchestral introduction uncut and marvelously performed by Leonard Rose and an orchestra under Morel. This and *O don fatale*, excellently sung by Blanche Thebom, are the only highlights of the opera in the assemblage—the other arias and duets sung by Thebom, Bjoerling, and Merrill ranging from pretty to banal. The American orchestras under Morel and Cellini are well reproduced, but the London Symphony under Braithwaite is far back, shallow, and brash. No texts.

A London record offers remarkably beautiful singing by the tenor Anton Dermota in the two arias from "Don Giovanni," *Dies Bildnis* from "The Magic Flute," and a long-winded Sonnet from Strauss's "Capriccio" (all with the Vienna State Opera Orchestra under Böhm), and in songs by Schumann, Wolf, and Strauss (with piano). Dermota sounds too close to the microphone, and the orchestra's violins are veiled. Also the usual London space-resonance (which someone in England has called an "echo or pre-echo"). No texts for the songs.

On another London record Ljuba Welitch sings two arias from Tchaikovsky's "The Queen of Spades" (in German) and two from Verdi's "Un Ballo in Maschera" (in Italian), with some excerpts from operettas. This time the voice does not sound like cold steel and is quite lovely, and the singing has its usual impressive dramatic force. The Vienna State Opera Orchestra conducted by Moralt sounds dry and lusterless, its violins veiled; there is the space-resonance again; and again there are no texts.

And on still another London record Ilse Hollweg reveals a soprano voice of extraordinary beauty, range, and accuracy in florid passages, with fine musical phrasing, in Zerbinetta's aria from Strauss's "Ariadne" and a couple of specially written arias by Mozart. The violins of the London Symphony conducted by Krips are veiled; the resonance amounts to a hum; and there are no texts.

LETTERS TO THE EDITORS

Mrs. Crain and CASBO

Dear Sirs: In an excellent letter published by *The Nation* on June 30, "A Port Washington Resident" mentioned his wish that the Public Education Association would assess the qualifications of Mrs. Crain, the editor of the *Educational Reviewer*, as an educational expert and examine her competence to pass on the merits of school textbooks.

Actually, most of the reviews which the Conference of American Small Business Organizations publishes in its *Educational Reviewer* are signed by persons other than Mrs. Crain. Her background, therefore, seems less interesting than the over-all evaluation of the conference by the House Select Committee on Lobbying Activities.

In House Report 3232, Eighty-first Congress, the committee showed that neither members of Congress nor other citizens can rely upon CASBO'S reports under the federal Lobby Act.

"The conference and its chairman have registered and reported under the federal Lobby Act. Yet by encouraging contributions of not more than $499 [not individually reportable under present law], by having large concerns buy membership for their officers and branch managers [whose associations are not reported], and by other means, CASBO avoids making full disclosure of its sources of support.

". . . The conference has sought, and in some cases obtained directly or indirectly, financial support from interests that do not fit into any reasonable concept of small business. In appealing for such support the chairman of the conference has emphasized its interest in legislative matters 'in which big business as such cannot come out in the open.' The conference has cooperated or aligned itself with large professional and trade associations. The positions advocated by the conference before Congressional committees, in its literature, and in resolutions adopted at its annual sessions are not readily distinguishable from the conventional views of large business.

". . . As for CASBO's claim that it voices the 'deliberated opinion' of small business, its methods of ascertaining and formulating such opinion, sometimes through loaded questionnaires, prepared resolutions, and otherwise, should make the Congress wary of any figures which CASBO offers as a measure of small business opinion."

Commenting on the textbook reviews in the *Educational Reviewer*, the committee continued, "The review of textbooks by self-appointed experts, especially when undertaken under the aegis of an organization having a distinct legislative ax to grind, smacks too much of the bookburning orgies of Nürnberg to be accepted by thoughtful Americans without foreboding and alarm. It suggests, too, that the reviewers profoundly distrust the integrity, good faith, and plain common sense of the school boards and teachers of the country."

The long-run aim of CASBO, according to the committee report, "is nothing less than the establishment of [its own] philosophy as the standard educational orthodoxy in the schools of the nation."

It is most encouraging to learn that there are people in this community who will not let Mrs. Crain's sweeping charges go unchallenged. We trust that they will be able to strengthen their organization in the coming months so as to be prepared to study educational problems and back their boards of education in the task of getting good schools.

FREDERICK MC LAUGHLIN, Director,
Public Education Association
New York

California: There She Goes Again!

Dear Sirs: As a supplement to John Beecher's article on the resistance to the loyalty oath at San Francisco State College in *The Nation* of June 30, it might be noted that when three of the

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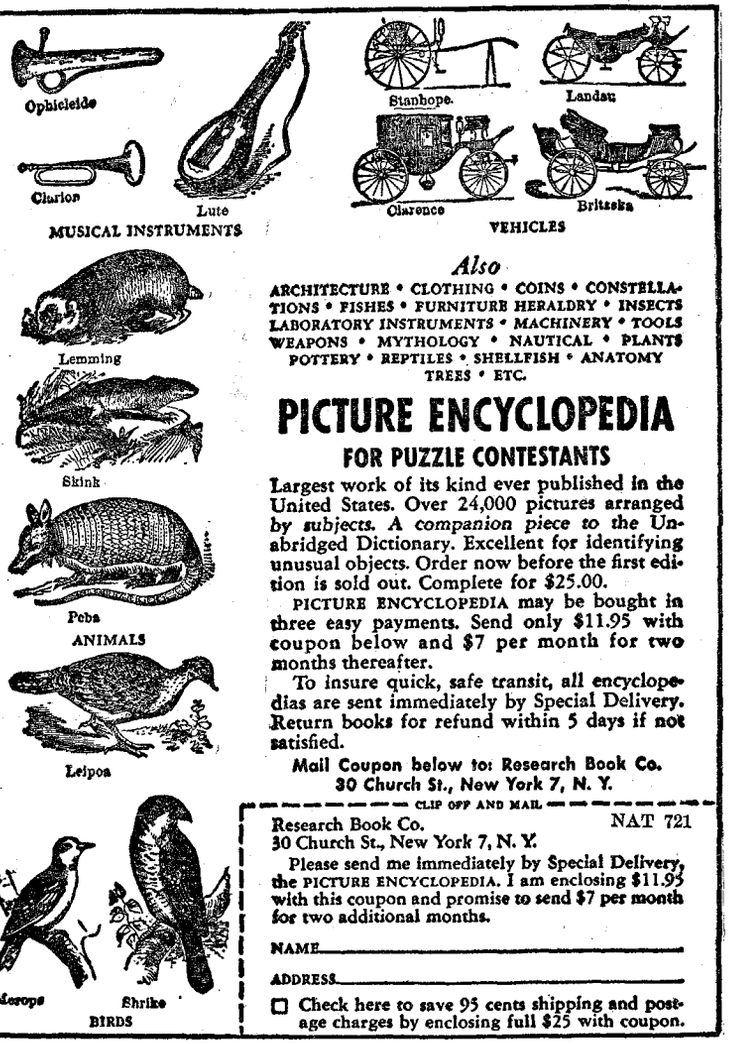

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discharged teachers applied to the legislature, as representatives of the Federation for Repeal of the Levering Act, for a lobbyists' license, they were first called to a special hearing, at the request of Senator Hugh Burns, Tenney's successor as chairman of the Un-American Activities Committee, and then refused a license. The explanation given was that the federation "had all the earmarks of a Communist Front organization," and that any teacher who would not sign the state loyalty oath was *ipso facto* "of poor moral character."

The state Supreme Court now has under advisement the federation's test cases as well as those arising from the University of California regents' oath. But the record of the recently adjourned legislature as to civil liberties augurs ill for any reversal of the present trend toward a police state in California.

MIRIAM ALLEN DE FORD

San Francisco

The Irish Constitution and the Church

Dear Sirs: This is to correct certain misconceptions about the Irish constitution conveyed by implication in Griffin Barry's article Medicine, Religion, and Irish Politics which appeared in *The Nation* of June 23.

It is misleading to state that the constitution "gives" the Roman Catholic church "a special position" because in Article 44 "the state recognizes the special position of the Catholic church as the guardian of the Faith professed by the great majority." There is all the difference in the world between the state giving the church a special position, and the state simply recognizing the special position already held by the church.

Articles 43 and 45 of the constitution give the lie to the charge that in Ireland "laissez faire governs in property relations." In those two articles some basic principles of what is often called the welfare state are codified.

To dispel further misconceptions it should be made clear (1) that the state is barred by the constitution from endowing any religion; (2) that the state finances interdenominational public schools as well as schools under the management of different religious denominations, and such aid has to be given without discrimination; (3) that there is no discrimination in admission to the civil service or national politics. Douglas Hyde, one-time President of Eire, was a Protestant.

New York WALTER B. SIMON

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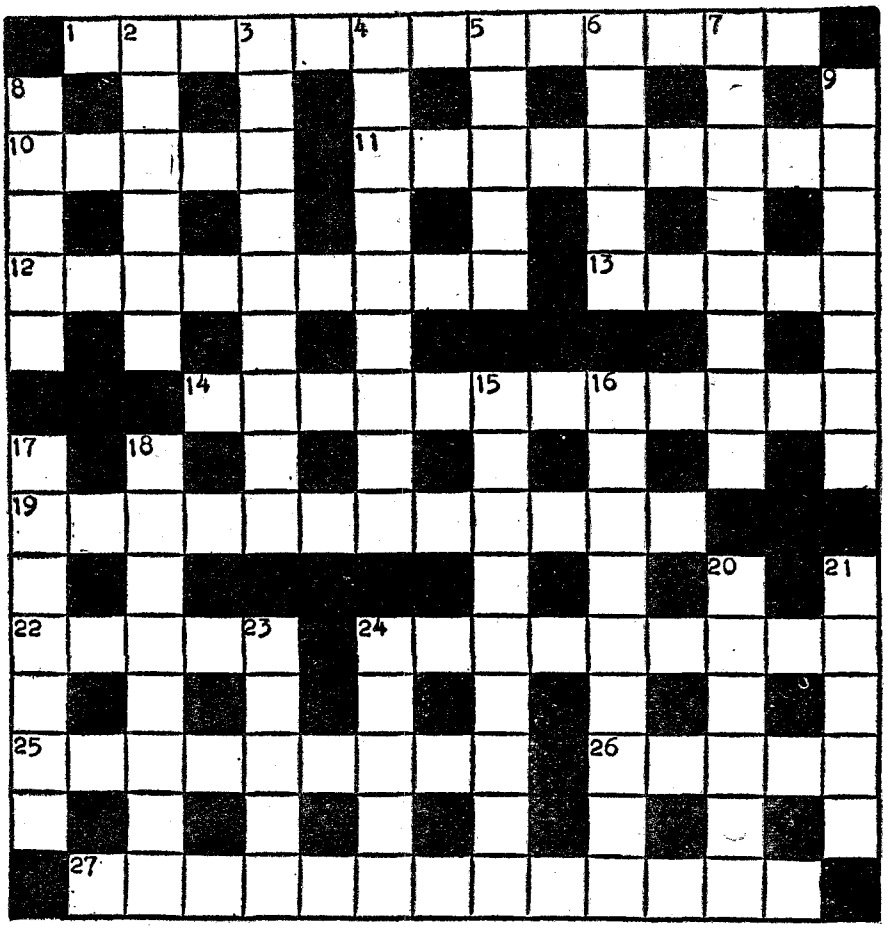
Crossword Puzzle No. 422

BY FRANK W. LEWIS



ACROSS

1 Paradise Street in Paris. (6, 7)
10 A ring is a ring! (5)
11 Superior tiller, in the middle west briefly. (9)
12 Did the Tin Woodman complain of being so? (9)
13 Part of a lariat, at least! (5)
14 For its classic counterpart, a clue might be "Vance came disguised." (6, 3, 3)
19 Sounds like good military strategy! (8, 4)
22 Those who play in a famous home lose their ante. (5)
24 Indian-head in the sea? (9)
25 Spider, perhaps. (6-3)
26 Helps letters if the flow of Coleridge poetry is restored. (5)
27 Toll road? (3, 4, 2, 4)

DOWN

2 For one whose doctor has told him to stay away from tobacco? (6)
3 You cut 'em first! (4, 5)
4 Solid, Jackson! (9)
5 Looks like Groucho, perhaps. (5)
6 As a farmer, he could be worse! (5)
7 Elsa's dream, not as disturbed as it might be. (8)
8 Merely a tool of the French and English. (5)
9 Prohibition means port is restricted. (7)
15 Personate language. (9)
16 Chief directors, perhaps, at hand when one is on the point of retirement. (9)
17 Step up. (7)
18 A wild pitch? Try to get three compartments side by side. (8)
20 You'll be sorry if you do! (And get locked up again?) (6)
21 Notable in the sign a shadow shows. (5)
23 Time for a joke and us both to be getting up. (3-2)
24 Hugh was King of France. (5)

• • • • •

SOLUTION TO PUZZLE No. 421

ACROSS:—1 MALEFACTOR; 6 and 2 LANDLUBBERS; 10 UMBRAGE; 11 SKATERS; 12 THE SHIP OF STATE; 14 BESTRIDE; 15 BRIDGE; 16 NAPERY; 18 FORENSIC; 22 SPRING VACATION; 24 TEETERS; 25 ARIADNE; 26 RUES; 27 INTERNMENT.

DOWN:—1 MOUNTEBANK; 3 FEATHERBRAINED; 4 CHEEPED; 5 OSSIFY; 7 ALERTED; 9 TATTERDEMALION; 13 DESCENDENT; 17 PAPEETE; 19 OXALATE; 20 SWINDLE; 21 EGGS ON; 23 and 8 STARDUST.

Readers are invited to send for a free copy of Mr. Lewis's "ground rules." Address requests to Puzzle Dept., The Nation, 20 Vesey Street, New York 7, New York.

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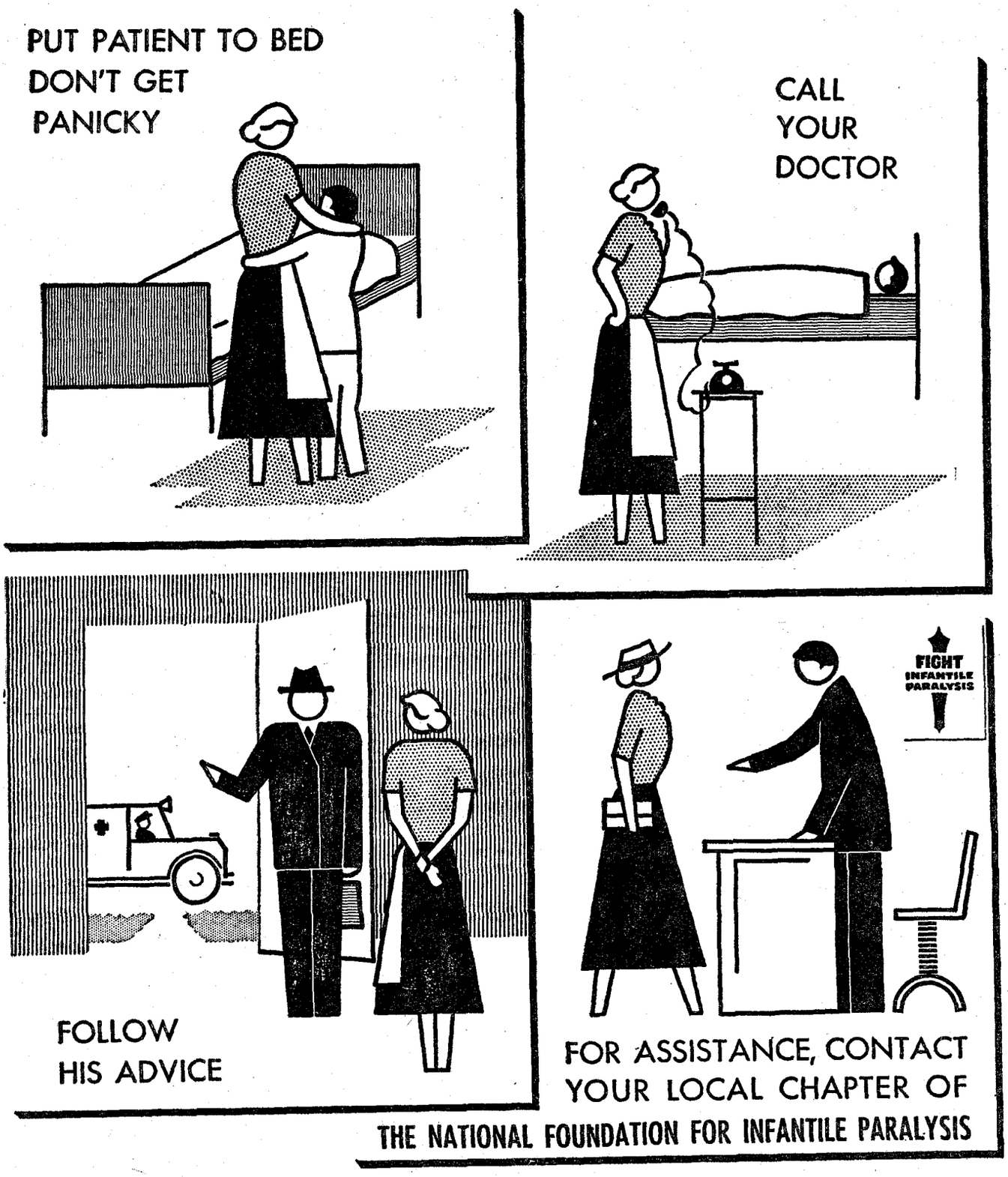

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